

SEVENTY-EIGHTH DAY

(Continued)

(Wednesday, May 27, 1981)

AFTER RECESS

The Senate met at 8:00 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 148.

After suspending the regular order by unanimous consent, the following bills were read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.C.R. 62 (Brown) Relating to non-taxable interest on savings accounts. (vv)

S.R. 459 (Brooks) Requesting Coordinating Board, Texas College and University System to conduct study of State's public institutions of higher education to identify cost of special services for handicapped individuals. (vv)

S.B. 696 (Brown) Relating to the term of office of the person elected governor or lieutenant governor by the legislature. (31-0) (31-0)

C.S.S.B. 699 (Sarpalius) Relating to the time for certification of candidates for certain offices for placement on the general election ballot. (31-0) (31-0)

S.B. 1040 (Brooks) Relating to a requirement that health and peace officers notify mental health and mental retardation centers when serving warrants for emergency admissions of mental patients. (31-0) (31-0)

C.S.S.B. 1100 (Ogg) Relating to regulation of solicitation for contributions; providing penalties. (31-0) (31-0)

C.S.S.B. 1178 (Mengden) Relating to unannounced inspections of nursing and convalescent homes. (31-0) (31-0)

S.B. 1242 (Blake) Relating to county road administration. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

S.B. 1260 (Santiesteban) Relating to the creation of the County Court at Law No. 5 of El Paso County. (31-0) (31-0)

S.B. 1272 (Caperton) Relating to the authority of the Texas Department of Corrections to make payments to certain survivors of employees. (31-0) (31-0)

S.B. 1280 (Ogg) Relating to the labeling, sale and advertisement of kosher food. (31-0) (31-0)

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 1280** in the following manner:

- (1) Strike SECTION 2 and renumber the subsequent sections accordingly.
- (2) On page 2, line 11 in SECTION 4, strike the words "of Section 2(b) or 3(a)."

The committee amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 1285 (Doggett) Relating to increasing the amount of bond coverage available to State employees. (31-0) (31-0)

S.B. 1286 (Parker) Authorizing the sale and conveyance or trade of certain land in Jefferson County by the Texas Department of Mental Health and Mental Retardation. (31-0) (31-0)

H.C.R. 156 (Traeger) Requesting Congress to repeal certain restrictions on natural gas use in the Powerplant and Industrial Fuel Use Act of 1978. (vv)

H.B. 200 (Sarpalius) Relating to underground water rights of the Greenbelt Municipal and Industrial Water Authority. (31-0) (31-0)

H.B. 214 (Wilson) Relating to sports fishing and combination hunting and fishing licenses. (31-0) (31-0)

Senator Wilson offered the following committee amendment to the bill:

Amend **H.B. 214** by striking subsection (1) of Section 46.002 in Section 1 and substituting the following:

- (1) under 17 years old or 65 years old or older if the person is a resident or, if a nonresident, if the person's state of residence grants a similar exemption to Texas residents;

The committee amendment was read and was adopted.

On motion of Senator Wilson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 269 (Jones) Relating to the term of office of school trustees in certain independent school districts. (31-0) (31-0)

H.B. 278 (Williams) Relating to the operation of a vehicle marked as a school bus. (31-0) (31-0)

H.B. 396 (Caperton) Relating to State payments to survivors of probation or parole officers killed while performing official duties. (31-0) (31-0)

C.S.H.B. 447 (Brooks) Relating to the qualifications of the Commissioner of Human Resources. (31-0) (31-0)

H.B. 454 (Santiesteban) Relating to an exemption from immunization requirements for active duty armed forces personnel applying for admission to an institution of higher education. (31-0) (31-0)

C.S.H.B. 560 (Mauzy) Relating to special elections to fill vacancies in the office of school trustee in certain school districts. (31-0) (31-0)

H.B. 622 (Snelson) Relating to the use of volunteers in providing human services. (31-0) (31-0)

H.B. 675 (Parker) Relating to the protection of nutria and to the taking of nutria pelts. (31-0) (31-0)

H.B. 683 (Brown) Relating to the conveyance of certain State-owned land by the Texas Board of Corrections for use by the Brazoria County Airport in exchange for certain other land. (31-0) (31-0)

H.B. 716 (Traeger) Relating to the application of the Uniform Wildlife Regulatory Act to antlerless deer in Duval County. (31-0) (31-0)

H.B. 791 (Caperton) Relating to procedure to be followed in the removal and disposal of abandoned or unauthorized vehicles. (31-0) (31-0)

H.B. 804 (Traeger) Relating to the compensation of the judge of the 229th Judicial District. (31-0) (31-0)

H.B. 805 (Brooks) Relating to the days on which emergency elections ordered by the governor may be held and the content of an emergency election proclamation. (31-0) (31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend the Engrossed version of House Bill 805 by inserting the words "Tuesday or" after the word "than" and before the word "Saturday" on line 16 of page 1.

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 847 (Traeger) Relating to the time at which changes in county election precinct boundaries may be made and may take effect. (31-0) (31-0)

Senator Traeger offered the following committee amendment to the bill:

Amend the house engrossment of **H.B. 847** as follows:

(1) On page 3, line 26, strike "The" and substitute "Except as provided by Paragraph (d) of this subdivision, the".

(2) On page 4, between lines 14 and 15, add a new Paragraph (d) in Subdivision 7 to read as follows:

(d) The Commissioners Court shall order the changes in county election precinct boundaries that are necessary to give effect to a redistricting done pursuant to Article III, Section 28, of the Texas Constitution not later than November 30 of the year in which the redistricting is done. The order shall be published as provided by Subdivision 1 of this Section and delivered to the voter registrar promptly after its adoption.

The committee amendment was read and was adopted.

Senator Traeger offered the following committee amendment to the bill:

Amend **H.B. 847** by redesignating Section 2 as Section 3 and inserting a new Section 2 to read as follows:

SECTION 2. Subdivisions 2(b) and (c), Section 46a, Texas Election Code, as amended (Article 5.14a, Vernon's Texas Election Code), are amended to read as follows:

(b) Between January ~~November~~ 1 and January ~~November~~ 15 of each even-numbered year ~~[in which no general election is held, beginning in 1977]~~, the registrar shall prepare and mail to each registered voter in the county as of the preceding December ~~October~~ 31 a registration certificate for use during the succeeding two voting years. The certificate shall be mailed to the permanent residence address shown on the voter's registration application; or, if provided, the mailing address. It shall not be sent in the same envelope as the voter's tax statement. Attached to or made a part of the registration certificate shall be adequate space for the voter to insert any change of information other than that printed on the certificate. If the voter has noted such changes, the notice shall be signed and affirmed by the voter and returned to the registrar for correction of the records and issuance of a corrected certificate to the voter.

The registration certificate or envelope containing the certificate shall be marked with a direction to the postal authorities not to forward it to any other address and to return it to the registrar if the addressee is no longer at that address. In the event the certificate is returned, the registrar shall cancel the voter's registration. The registrar shall maintain a list of all returned and cancelled registration certificates showing the name, address, birth date, and registration number of the person to whom the certificate was issued. The list shall be kept in the registrar's office and shall be open to public inspection at all times during regular office hours of the registrar, subject to reasonable regulations and to proper safeguards against alterations, mutilation, or removal. The registrar shall furnish a copy of such list to any person requesting it and shall be permitted to charge One Dollar (\$1) for each 10,000 names contained on the list, to be paid by the person so ordering such list. Any money collected pursuant to this subdivision shall be accounted for as official fees of office.

In the event that a person believes that his registration has been cancelled under Section 46a of this code solely because of postal service error, address reclassification, or clerical error on the part of the registrar of voters, he may present to the registrar of voters a sworn statement challenging such cancellation. Upon receiving such statement, the registrar shall give notice to the person whose registration has been cancelled of a hearing to be held on the third working day after receipt of such statement. At the hearing, the registrar may consider such information relating to the challenge as may be presented. If no information controverting the sworn statement of the person claiming to have an erroneously cancelled registration is introduced, such person's name shall be reinstated on the list of registered voters. If controverting information is introduced, the registrar of voters shall consider the information, including the sworn statement of the person whose name was allegedly erroneously placed on the list of cancelled voter registration certificates, and if satisfied that the sworn statement of the person whose registration has been cancelled is true, he shall reinstate the person's name on the list of registered voters. If the registrar refuses to reinstate such person, the person may appeal from the decision of the registrar to a district court of the county within 30 days after the registrar's decision, and the decision of the district court shall be final.

Prior to the succeeding February ~~January~~ 15, the registrar shall send to the Secretary of State a list of all the persons, along with all corresponding information available and required by the Secretary of State, whose registration certificates were cancelled as a result of the provisions of this section. Such list shall be in computer readable form. The Secretary of State shall furnish a copy of such list to any person requesting it and shall be permitted to charge One Dollar (\$1) for each 10,000 names contained on the list, to be paid by the person so ordering such list. Funds collected by the Secretary of State pursuant to this subdivision shall be used by the Secretary of State to defray any expenses incurred in the preparation of such list.

Any person who uses information obtained under this subdivision for any purpose other than informing voters about candidates for public offices or public issues or for voter registration purposes is guilty of a Class A misdemeanor.

(c) Each voter whose registration becomes effective after December ~~October~~ 31 of an odd-numbered year ~~[beginning with 1977]~~, but before the following March 1 shall be issued an initial certificate valid for the remainder of that voting year and a certificate valid for use during the two-year period beginning the following March 1.

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 888 (Doggett) Relating to the taxpayers who must remit limited sales and use taxes on a monthly basis. (31-0) (31-0)

C.S.H.B. 892 (Santiesteban) Relating to certain precinct maps furnished to the Secretary of State by the County Clerk. (31-0) (31-0)

H.B. 919 (Traeger) Relating to the sale for cash of devices designed to extract brewery products from legal containers. (31-0) (31-0)

H.B. 1003 (Caperton) Relating to the disposition of certain unclaimed funds held by county or precinct officers. (31-0) (31-0)

C.S.H.B. 1062 (Traeger) Relating to the investment of funds of a county or an incorporated city, town, or village. (31-0) (vv)

H.B. 1101 (Glasgow) Relating to the election and terms of office of supervisors of freshwater supply districts. (31-0) (31-0)

H.B. 1106 (Parker) Relating to the date on which the State Treasurer shall require that payment in full be made for stamps or meter settings received by the distributors. (31-0) (31-0)

H.B. 1152 (Ogg) Relating to the management and operation of a fireman's relief and retirement system in certain cities. (31-0) (31-0)

Senator Ogg offered the following committee amendment to the bill:

Amend SECTION 4 of House engrossment **H.B. 1152** in the following manner:

(1) On page 3, line 4, strike "January 1, 1982," and substitute in lieu thereof "September 1, 1981."

(2) On page 3, line 6, strike "eight" and substitute in lieu thereof "7-1/2."

The committee amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1157 (Sarpalius) Relating to the use of county roads by aircraft. (31-0) (31-0)

Senator Sarpalius offered the following committee amendment to the bill:

Amend **H.B. 1157**, Section 1 to read as follows:

SECTION 1. The Revised Civil Statutes of Texas, 1925, as amended, is amended by adding Article 46f-4 to read as follows:

Art. 46f-4. USE OF AIRCRAFT ON COUNTY ROADS

Sec. 1. A commissioners court of a county may enact ordinances to ensure the safe use of county roads by aircraft. The ordinances may:

(1) limit the kinds of aircraft that may use the roads;
(2) establish the procedure that a pilot shall follow before using a road, including, but not limited to, requiring the pilot to furnish flagmen at both ends of the road to be used; and

(3) establish other requirements that the commissioners court considers necessary for the safe use of the roads by aircraft.

Sec. 2. If the ordinances relating to the use of an aircraft on a county road are followed, the pilot of the aircraft may land or take off in the aircraft on the county road and is not subject to the traffic laws of this state during the landing or takeoff.

The committee amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1189 (Short) Relating to goods made from endangered species that were taken in another state. (31-0) (31-0)

H.B. 1210 (Santiesteban) Relating to the issuance of gold sesquicentennial commemorative medals. (31-0) (31-0)

C.S.H.B. 1234 (Short) Relating to the farm and ranch security loan program. (31-0) (31-0)

H.B. 1278 (Meier) Relating to the composition of the Texas Energy and Natural Resources Advisory Council. (31-0) (31-0)

H.B. 1297 (Uribe) Amending the Family Code to conform with the name change of the State Department of Public Welfare to the Texas Department of Human Resources. (31-0) (31-0)

H.B. 1301 (Brooks) Relating to assignment pay for field training officers in certain cities. (31-0) (31-0)

H.B. 1311 (Mengden) Relating to the creation of the La Porte Area Water Authority. (31-0) (31-0)

Senator Mengden offered the following committee amendment to the bill:

Amend **H.B. 1311** as follows:

(1) By adding after the only sentence in Section 8 the following sentence: "Any land annexed must be contiguous with and adjacent to the authority."

(2) By adding as Section 17a the following:

Section 17a. Notwithstanding any other provision of this Act to the contrary, none of the authority's powers, privileges, rights, or functions may be exercised in connection with any property, works, facilities, improvements, political subdivision, or proposed annexation of territory located in whole or in part within the extraterritorial jurisdiction or within the corporate limits (either general or limited purpose) of any city with a population of 1.2 million or more unless the authority obtains specific written consent of such city. Such written consent, to be effective, must be in the form of an ordinance duly adopted by the governing body of such city.

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1335 (Glasgow) Relating to the use of solar energy in new State buildings. (31-0) (31-0)

H.B. 1351 (Richards) Relating to the protection of buildings and grounds of public districts. (31-0) (31-0)

H.B. 1369 (Doggett) Relating to the payment twice a month of certain State employees' compensation. (31-0) (31-0)

H.B. 1433 (Parker) Relating to the authority of certain counties to construct cattle guards across county roads. (31-0) (31-0)

H.B. 1434 (Santiesteban) Relating to the authority of the Parks and Wildlife Department to lease State park land for grazing or farming. (31-0) (31-0)

C.S.H.B. 1435 (Santiesteban) Relating to hunting from vehicles, hunting at night, selling and purchasing birds and animals. (31-0) (31-0)

H.B. 1480 (Mengden) Relating to landowner consent for hunting in certain counties. (31-0) (31-0)

H.B. 1540 (Traeger) Relating to hunting with a light in Dimmit County. (31-0) (31-0)

H.B. 1542 (Wilson) Relating to the election of the board of directors of the Karnes County Hospital District. (31-0) (31-0)

H.B. 1582 (Santiesteban) Relating to certain fees charged by the Commissioner of the General Land Office. (31-0) (31-0)

H.B. 1606 (McKnight) Relating to the authority of the Commissioner of Labor and Standards to perform functions regarding residential energy conservation. (31-0) (31-0)

H.B. 1623 (Meier) Relating to the disposition of funds collected or received by certain State agencies. (31-0) (31-0)

Senator Meier offered the following committee amendment to the bill:

Amend **H.B. 1623**, SECTION 2, by changing the period at the end of the section to a comma and adding the following:

"and does not include the Credit Union Department of Texas whose funds are subject to the budgetary control of the Credit Union Commission of Texas."

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1624 (Short) Relating to the qualifications for office of the Lubbock County Criminal District Attorney. (31-0) (31-0)

H.B. 1625 (Farabee) Relating to uninsured or underinsured motorist coverage. (31-0) (31-0)

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 1625** by adding the words "or by an affiliated insurer" after the word "insurer" at the end of section 1.

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1677 (Jones) Relating to the correction of statutory references to the General Appropriations Act. (31-0) (31-0)

Senator Jones offered the following committee amendment to the bill:

Amend **H.B. 1677** on page 1, line 11, by inserting the following after "agencies,":

"all regular, full-time salaried employments within the departments and agencies of the State specified in the article of the General Appropriations Act that appropriates money to health, welfare, and rehabilitation agencies."

The committee amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1694 (Snelson) Relating to the taking, propagation, sale, and classification of elk. (31-0) (31-0)

H.B. 1719 (Parker) Relating to payroll deductions for investments for certain public employees, and to investments under the optional retirement program for faculty members of institutions of higher education. (31-0) (31-0)

H.B. 1797 (Short) Relating to the jurisdiction of the County Court at Law of Ector County. (31-0) (31-0)

H.B. 1853 (Uribe) Relating to addition of land to drainage districts. (31-0) (31-0)

H.B. 2062 (Farabee) Authorizing the State Board of Insurance to create summary procedures for routine matters. (31-0) (31-0)

H.B. 2098 (Mengden) Relating to funding of ridesharing activities by the State Department of Highways and Public Transportation. (31-0) (31-0)

H.B. 2195 (Williams) Relating to the authority of the Baytown Area Water Authority to sell water to those outside its boundaries. (31-0) (31-0)

H.B. 2292 (Parker) Relating to the deer season in Chambers County. (31-0) (31-0)

H.B. 2293 (Snelson) Relating to the penalties for the hunting and possession of exotic animals in Kerr County. (31-0) (31-0)

H.B. 2296 (Glasgow) Relating to the creation of the Palo Pinto County Juvenile Board. (31-0) (31-0)

H.B. 2299 (Doggett) Relating to compensation of the board of directors of the Plum Creek Conservation District. (31-0) (31-0)

H.B. 2303 (Uribe) Relating to the powers and territory of the Alice Water Authority. (31-0) (31-0)

H.B. 2305 (Wilson) Relating to the compensation and car allowance of commissioners of drainage districts in Victoria County. (31-0) (31-0)

H.B. 2306 (Snelson) Relating to the hunting and possession of certain exotic animals in Real County. (31-0) (31-0)

H.B. 2317 (Blake) Relating to the creation of the County Court at Law of Anderson County. (31-0) (31-0)

H.B. 2329 (Traeger) Relating to hunting deer and javelina and to issuing antlerless deer permits in McMullen County. (31-0) (31-0)

H.B. 2330 (Glasgow) Creating a conservation and reclamation district without taxing power to be known as Graham Water Supply District over a part of Young County. (31-0) (31-0)

H.B. 2331 (Blake) Relating to the membership of the Juvenile Board and the duties of the County Attorney and District Attorney in Henderson County. (31-0) (31-0)

H.B. 2363 (Brooks) Relating to contracts for the construction or improvement of county jails. (31-0) (31-0)

H.B. 2371 (Glasgow) Relating to the leasing, management, and operation of district hospitals by the Cisco Hospital District and to the transfer of land and hospital improvements from the Cisco Hospital Authority to the Cisco Hospital District. (31-0) (31-0)

H.B. 2372 (Traeger) Relating to the hunting of spike deer in Jim Hogg County. (31-0) (31-0)

C.S.S.C.R. 110 (Truan) Granting Jose R. Villarreal permission to sue the State of Texas. (vv)

S.C.R. 115 (Mengden) Granting Billy R. Williamson permission to sue the State of Texas. (vv)

S.C.R. 116 (Mengden) Granting Oiltanking of Texas, Inc., permission to sue the State of Texas. (vv)

S.C.R. 118 (Doggett) Granting the Austin Travis County MH-MR Center permission to sue the State of Texas. (vv)

S.R. 649 (Sarpalius) Creating a special interim committee to study possible State participation in the Quad State Project. (vv)

H.C.R. 58 (Blake) Granting J. C. Thornell and Chrystell Thornell permission to sue the State of Texas. (vv)

H.C.R. 76 (Traeger) Granting John P. Walter and others permission to sue the State of Texas. (vv)

S.C.R. 120 (Brooks) Granting Schaefer Diving Company permission to sue the State of Texas. (vv)

S.C.R. 123 (Truan) Granting Gwendolyn P. Johnson permission to sue the State of Texas. (vv)

S.C.R. 124 (Truan) Granting Estefana S. Peters permission to sue the State of Texas. (vv)

S.C.R. 126 (Santiesteban) Granting J. D. Abrams, Incorporated, permission to sue the State of Texas. (vv)

H.C.R. 49 (Meier) Granting Thomas J. Tinker permission to sue the State of Texas. (vv)

H.C.R. 73 (Traeger) Granting June Insall permission to sue the State of Texas. (vv)

H.C.R. 80 (Traeger) Granting Roemer Jack Best permission to sue the State of Texas. (vv)

H.C.R. 93 (Brown) Granting David Start permission to sue the State of Texas. (vv)

H.C.R. 146 (Brown) Granting Bay Area Psychiatry Associates permission to sue the State of Texas. (vv)

H.C.R. 148 (Howard) Granting Albert P. Gorelick and Florence Gorelick permission to sue the State of Texas. (vv)

H.C.R. 159 (Snelson) Commending Firestone Tire & Rubber Company for development of guayule in Texas. (vv)